

DC
/ DA

NOTICE OF REMOVAL

FROM: **19 CV 535 GKF - JFJ**

CASE NOS.: 6038411 and 6038412, formerly 7503781, 7503782, 7503783

Filed: IN THE MUNICIPAL COURT OF THE CITY OF TULSA

TULSA COUNYT, STATE OF OKLAHOMA

To: FEDERAL COURT

CITY OF TULSA,

PLAINTIFF

VS.

WILLIAM TYRONE THOMAS,

DEFENDANT

FILED

OCT 04 2019

**Mark C. McCartt, Clerk
U.S. DISTRICT COURT**

Please find a copy of NOTICE OF REMOVAL titled: Motion to Dismiss on the ground of no Personum Jurisdiction / no subject matter Jurisdiction and a Notice of Removal on the grounds of citizenship diversity and raising the Federal Question.

☒ Mail ☐ No Cert Svc ☐ No Orig Sign
☒ C/S ☐ C/MJ ☐ C/Ret'd ☒ No Env
☐ No Cyps ☐ No Env/Cyps ☐ O/J ☐ O/MJ



ISLAM

AL-MERICAN (AL-MOROCCAN)/AMERICAN

PEACE

MOORISH AMERICAN

MUNICIPAL COURT

F I L E D

INDIGENIOVS PEOPLE OF AMERICA

JUL 29 2019

(MOROCCAN TREATY OF PEACE AND FRIENDSHIP 1787/1836)

By C. Thompson Dep.

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AFFIDAVIT OF FACT:

Motion to Dismiss on the ground of no Personum Jurisdiction / no subject matter Jurisdiction and a Notice of Removal

For the record, on the record and let the record show that I, el-Noble T al-Hasaan Bey, do affirm and state that everything included in this affidavit is true and correct to the best of my knowledge; and with that said I, el-Noble T al-Hasaan Bey, do make public and state that as a Moorish American freehold, aboriginal and Indigeneous inhabitant of the Land here at Morocco, a Moorish American Imperial Citizen; I hold a unique spot here in Al Merica/Al Moroco/America being as it is that we have, as prisoners of war, been enslaved against our will and against:

The Moroccan Treaty of Peace and Friendship 1787/1836

Article 15.

In case of a War between the Parties, the Prisoners are not to be made Slaves, but to be exchanged one for another, Captain for Captain, Officer for Officer and one private Man for another; and if there shall prove a deficiency on either side, it shall be made up by the payment of one hundred Mexican Dollars for each Person wanting; And it is agreed that all Prisoners shall be exchanged in twelve Months from the Time of their being taken, and that this exchange may be effected by a Merchant or any other Person authorized by either of the Parties.

and that we have since been freed (13th Amendment and it's intended 20 sections) to no books or facilities to demonstrate who we are as a people here in Al-Moroco/Al-Merica/America. But upon a further preponderance of the evidence it is clear that I, el-Noble T. al-Hasaan Bey, as a in full life Moorish American, have never been naturalized into the United States and am not obligated to its operations going on here in the al-Moroccan Empire and only through ignorance, threat, duress, coercion, sufferance from cultural genocide, and void ab initio contracts have I participated in this manner in the past; but it was involuntary servitude.

1)

This court has not the personam jurisdiction for I am not a United States Citizen at:

a.

Van Valkenburg vs. Brown 43 Cal. 43(1872)

...The history and aim of the Fourteenth Amendment is well known, and the purpose had in view in its adoption well understood. That purpose was to confer the status of citizenship upon a numerous class of persons domiciled within the limits of the United States, who could not be brought within the operation of the naturalization laws because native born, and whose birth, though native, had at the same time left them without the status of citizenship. ...it was settled that neither slaves, nor those who had been such, nor the descendants of these, though native and free born, were incapable of becoming citizens of the United States. (Dread Scott v. Sanford, 19 How. 393). The Thirteenth Amendment, ...had yet left them under an insuperable bar as to citizenship; and it was mainly to remedy this condition that the Fourteenth Amendment was adopted.”;

and

b.

Treaty of Peace and Friendship 1787/1836

Article 21

If a citizen of the United States should kill or wound a Moor or on the contrary if a Moor should kill or wound a citizen of the United States the law of the country should take place...

c.

Treaty of Peace and Friendship 1787/1836

Article 15

Merchants of both countries...

So as a natural citizen of the Americas, aboriginal and idigeneous to the the land here in the dominions of the Moroccan Empire, with inalienable rights secured in The Moroccan Treaty of Peace Friendship (1787/1836) and in ***The Constitution for the United States of America (Article 6) making all treaties the Supreme Law of the Land***, and making all judges bond themselves by Oathe to defend this agreement; I state that I, el-Noble T. al-Hasaan, have a human right and a natural right to access all things public

here in the Moroccan Empire; this includes and is not limited to public highways, unless loss through due process. And being that I have never been naturalized into the United States of America as a citizen there is no due process performed, and Supreme Court and Supreme Court Judges (stare decisis) have made it very clear that:

1.

"Complete freedom of the highways is so old and well established a blessing that we have forgotten the days of the Robber Barons and toll roads, and yet, under an act like this, arbitrarily administered, the highways may be completely monopolized, if, through lack of interest, the people submit, then they may look to see the most sacred of their liberties taken from them one by one, by more or less rapid encroachment."

Robertson vs. Department of Public Works, 180 Wash 133, 147.

2.

"Personal liberty, or the Right to enjoyment of life and liberty, is one of the fundamental or natural Rights, which has been protected by its inclusion as a guarantee in the various constitutions, which is not derived from, or dependent on, the U.S. Constitution, which may not be submitted to a vote and may not depend on the outcome of an election. It is one of the most sacred and valuable Rights, as sacred as the Right to private property ... and is regarded as inalienable."

16 C.J.S., Constitutional Law, Sect.202, p.987

3.

"Personal liberty largely consists of the Right of locomotion -- to go where and when one pleases -- only so far restrained as the Rights of others may make it necessary for the welfare of all other citizens. The Right of the Citizen to travel upon the public highways and to transport his property thereon, by horse drawn carriage, wagon, or automobile, is not a mere privilege which may be permitted or prohibited at will, but the common Right which he has under his Right to life, liberty, and the pursuit of happiness. Under this Constitutional guarantee one may, therefore, under normal conditions, travel at his inclination along the public highways or in public places, and while conducting himself in an orderly and decent manner, neither interfering with nor disturbing another's Rights, he will be protected, not only in his person, but in his safe conduct."

II Am.Jur. (1st) Constitutional Law, Sect.329, p.1135

3.

"Personal liberty -- consists of the power of locomotion, of changing situations, of removing one's person to whatever place one's inclination may direct, without imprisonment or restraint unless by due process of law."

Bovier's Law Dictionary, 1914 ed., Black's Law Dictionary, 5th ed.;

Blackstone's Commentary 134; Hare, Constitution__Pg. 777

4.

"...We are of the opinion that there is a clear distinction in this particular between an individual and a corporation, and that the latter has no right to refuse to submit its books and papers for examination on the suit of the State. The individual may stand upon his Constitutional Rights as a Citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to the State or to his neighbors to divulge his business, or to open his doors to investigation, so far as it may tend to incriminate him. He owes no such duty to the State, since he receives nothing therefrom, beyond the protection of his life, liberty, and property. His Rights are such as the law of the land long antecedent to the organization of the state, and can only be taken from him by due process of law, and in accordance with the Constitution. Among his Rights are the refusal to incriminate himself, and the immunity of himself and his property from arrest or seizure except under warrant of law. He owes nothing to the public so long as he does not trespass upon their rights.

"Upon the other hand, the corporation is a creature of the state. It is presumed to be incorporated for the benefit of the public. It receives certain special privileges and franchises, and holds them subject to the laws of the state and the limitations of its charter. Its rights to act as a corporation are only preserved to it so long as it obeys the laws of its creation. There is a reserved right in the legislature to investigate its contracts and find out whether it has exceeded its powers. It would be a strange anomaly to hold that the State, having chartered a corporation to make use of certain franchises, could not in exercise of its sovereignty inquire how those franchises had been employed, and whether they had been abused, and demand the production of corporate books and papers for that purpose."

Hale vs. Hinkel, 201 US 43, 74-75

5.

"...Based upon the fundamental ground that the sovereign state has the plenary control of the streets and highways in the exercise of its police power (see police power, infra.), may absolutely prohibit the use of the streets as a place for the prosecution of a private business for gain. They all recognize the fundamental distinction between the ordinary Right of the Citizen to use the streets in the usual way and the use of the streets as a place of business or a main instrumentality of business for private gain. The former is a common Right, the latter is an extraordinary use. As to the former, the legislative power is confined to regulation, as to the latter, it is plenary and extends even to absolute prohibition. Since the use of the streets by a common carrier in the prosecution of its business as such is not a right but a mere license of privilege."

Hadfield vs. Lundin, 98 Wash 516

6.

"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them."

Miranda vs. Arizona, 384 US 436, 491

7.

"The claim and exercise of a constitutional Right cannot be converted into a crime."

Miller vs. U.S., 230 F. 486, 489

8.

"There can be no sanction or penalty imposed upon one because of this exercise of constitutional Rights."

Snerer vs. Cullen, 481 F. 946

9.

"The use of the highways for the purpose of travel and transportation is not a mere privilege, but a common and fundamental Right of which the public and the individual cannot be rightfully deprived."

Chicago Motor Coach vs. Chicago, 169 NE 22;

Ligare vs. Chicago, 28 NE 934;

Boon vs. Clark, 214 SSW 607;

25 Am.Jur. (1st) Highways Sect.163

"The Right of the Citizen to travel upon the public highways and to transport his property thereon, either by horse drawn carriage or by automobile, is not a mere privilege which a city can prohibit or permit at will, but a common Right which he has under the right to life, liberty, and the pursuit of happiness."

Thompson vs. Smith, 154 SE 579

10.

"... For while a Citizen has the Right to travel upon the public highways and to transport his property thereon, that Right does not extend to the use of the highways, either in whole or in part, as a place for private gain. For the latter purpose, no person has a vested right to use the highways of the state, but is a privilege or a license which the legislature may grant or withhold at its discretion."

State vs. Johnson, 243 P. 1073;

Cummins vs. Homes, 155 P. 171;

Packard vs. Banton, 44 S.Ct. 256;

Hadfield vs. Lundin, 98 Wash 516

11.

"Heretofore the court has held, and we think correctly, that while a Citizen has the Right to travel upon the public highways and to transport his property thereon, that Right does not extend to the use of the highways, either in whole or in part, as a place of business for private gain."

Willis vs. Buck, 263 P. 1 982;

Barney vs. Board of Railroad Commissioners, 17 P.2d 82

12.

"The right of the citizen to travel upon the highway and to transport his property thereon, in the ordinary course of life and business, differs radically and obviously from that of one who makes the highway his place of business for private gain in the running of a stagecoach or omnibus."

..."The former is the usual and ordinary right of the Citizen, a common right to all, while the latter is special, unusual, and extraordinary."

..."This distinction, elementary and fundamental in character, is recognized by all the authorities."

State vs. City of Spokane, supra.

"the right of the Citizen to travel upon the highway and to transport his property thereon in the ordinary course of life and business, differs radically and obviously from that of one who makes the highway his place of business and uses it for private gain in the running of a stagecoach or omnibus. The former is the usual and ordinary right of the Citizen, a right common to all, while the latter is special, unusual, and extraordinary."

Ex Parte Dickey, (Dickey vs. Davis), 85 SE 781

13.

*"The right of the Citizen to travel upon the public highways and to transport his property thereon, in the ordinary course of life and business, is a common right which he has under the right to enjoy life and liberty, to acquire and possess property, and to pursue happiness and safety. It includes the right, in so doing, to use the ordinary and usual conveyances of the day, and under the existing modes of travel, includes the right to drive a horse drawn carriage or wagon thereon or to operate an automobile thereon, **for the usual and ordinary purpose of life and business.**"*

Thompson vs. Smith, supra.;

Teche Lines vs. Danforth, Miss., 12 S.2d 784

So as we can see, that the use of the highways is an inherent right and my right to use the highways unmolested is an individual liberty for my status here in America is that of a Moorish American Imperial Citizen protected by the Moroccan Treaty of Peace and Friendship and not as a subject or citizen of the United States.

And with Rights embodied in the Religious Freedom Restoration Act (The Religious Freedom Restoration Act of 1993, Pub. L. No. 103-141, 107 Stat. 1488 (November 16, 1993), codified at 42 U.S.C. § 2000bb through 42 U.S.C. § 2000bb-4 (also known as RFRA), I have a right to carry out religious instructions given to me by the Holy Prophet Noble Drew Ali to let my nationality be recognized in the government in which I live, and to have it manifest in full life. I should not have to go to foreign nations to obtain identifying documents or to ask permission to enjoy liberties already guaranteed in this country and by this country. An attempt to require a license, registration, insurance, etc. to enjoy freedoms and liberties already guaranteed also violates:

Treaty of Peace and Friendship 1787/1836

Article 17 (Buying or Selling)

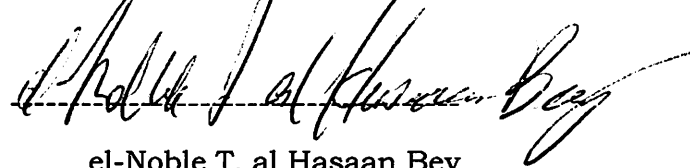
Merchants shall not be compelled to buy or sell any kind of goods but such as they shall think proper, and may buy and sell all sorts of merchandise but such as are prohibited to the othe Christian nations.

making the demand or compulsion for the purchase of these products

unconstitutional to Moorish Americans who have no obligation to the CITY OF TULSA/COUNTY OF TULSA/STATE OF OKLAHOMA for it breaks the Treaty agreement which will raise the Federal Question and on these grounds **I am seeking to have these matters removed to the Federal Court.**

Respectfully submitted.

26th day of Dhul Qadah 1440M.C. (JULY 29, 2019)



el-Noble T. al Hasaan Bey

Grand Sheik and chairman

AMARA TEMPLE OF MOORISH SCIENCE

(1848 N. MLK BLVD)

(TULSA OKLAHOMA)

(USA)

MOROCCAN EMPIRE

NORTHWEST AMEXEM

"With regard particularly to the U.S. Constitution, it is elementary that a Right secured or protected by that document cannot be overthrown or impaired by any state police authority."

Connolly vs. Union Sewer Pipe Co., 184 US 540;

Lafarier vs. Grand Trunk R.R. Co., 24 A. 848;

O'Neil vs. Providence Amusement Co., 108 A. 887

"The police power of the state must be exercised in subordination to the provisions of the U.S. Constitution."

Bacahanan vs. Wanley, 245 US 60;

Panhandle Eastern Pipeline Co. vs. State Highway Commission, 294 US 613

"It is well settled that the Constitutional Rights protected from invasion by the police power, include Rights safeguarded both by express and implied prohibitions in the Constitutions."

Tiche vs. Osborne, 131 A. 60

"As a rule, fundamental limitations of regulations under the police power are found in the spirit of the Constitutions, not in the letter, although they are just as efficient as if expressed in the clearest language."

Mehlos vs. Milwaukee, 146 NW 882

"The essential elements of due process of law are ... Notice and The Opportunity to defend."

Simon vs. Craft, 182 US 427

"There should be no arbitrary deprivation of Life or Liberty ..."

Barbour vs. Connolly, 113 US 27, 31;

Yick Wo vs. Hopkins, 118 US 356

"The right to travel is part of the Liberty of which a citizen cannot be deprived without due process of law under the Fifth Amendment. This Right was emerging as early as the Magna Carta."

Kent vs. Dulles, 357 US 116 (1958)

"It is the duty of the courts to be watchful for the Constitutional rights of the citizen and against any stealthy encroachments thereon."

Boyd vs. United States, 116 US 616

o The Voice Of The Prophet

If you have race pride and love your race, join the Moorish Science Temple of America and become a part of this Divine Movement, then you will have power to redeem your race because you will know who you are, and your forefathers were. Because where there is unity there is strength. "Together we stand, divided we fall."

Come, good people, because I, the Prophet, sent to redeem this nation from mental slavery which you have now, need every one of you who think that your condition can be better. This is a field open to strong men and wo-

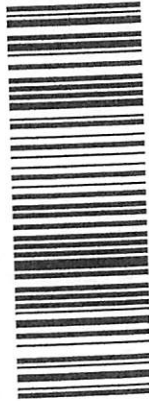
men to uplift the nation and take your place in the affairs of men.

If the Europeans and other nations are helping me, why not you. It is your problem. The Negro problem is being solved only as it can, and that is by the Moorish National Divine Movement. If you have a nation you must have a free national name in order to be recognized by this nation as an American citizen. This is what was meant when it said. "Seek ye first the kingdom of Heaven and all these things would be added unto you."

BY THE PROPHET.

Nobles Thomas-Bey
144 N. Columbia Ave
Tulsa, OK 74103

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